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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 KALMAN ISAACS, Individually and on) Case No. 3:18-cv-04865-EMC
Behalf of All Others Similarly Situated,)
19)
Plaintiff,)
20 vs.)
ELON MUSK, et al.,)
22 Defendants.)
23 _____) DATE: November 15, 2018
TIME: 1:30 p.m.
CTRM: 5, 17th Floor
JUDGE: Hon. Edward M. Chen
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1 I, TRICIA L. McCORMICK, declare as follows:

2 1. I am an attorney licensed to practice before all of the courts of the State of California
3 and this Court. I am Special Counsel with Robbins Geller Rudman & Dowd LLP, proposed lead
4 counsel for Dany David (“Mr. David”) in the above-captioned action. I make this declaration in
5 support of Mr. David’s Opposition to Competing Motions for Appointment as Lead Plaintiff. I have
6 personal knowledge of the matters stated herein and, if called upon, I could and would competently
7 testify thereto.

8 2. Attached are true and correct copies of the following exhibits:

9 Exhibit 1: Bloomberg Trade/Quote Recap for August 7, 2018 for shares traded at
10 \$375.950;

11 Exhibit 2: *Jamal Carnette, The Thing You Need to Know About Free Short-Seller*
12 *Research Reports*, The Motley Fool, Apr. 4, 2018, <https://www.fool.com/investing/2018/04/04/the-thing-you-need-to-know-about-free-short-seller.aspx>;

13 Exhibit 3: *Tesla’s stock soars after notorious short seller changes his tune*, CNN, Oct.
14 23, 2018, <https://www.cnn.com/2018/10/23/tech/tesla-stock/index.html>;

15 Exhibit 4: *Market Misconduct Tribunal bans Andrew Left of Citron Research from*
16 *Trading Securities in Hong Kong*, Hong Kong Securities and Futures
17 Commission, Oct. 20, 2016, <https://www.sfc.hk/edistributionWeb/gateway/EN/news-and-announcements/news/doc?refNo=16PR107>; Enoch
18 Yiu, *Hong Kong finds Citron Research’s Andrew Left guilty of issuing false report in 2012 on Evergrande*, South China Morning Post, Aug. 26, 2016,
<https://www.scmp.com/business/money/investment-products/article/2009448/hong-kong-finds-citron-researchs-andrew-left>;

19 Exhibit 5: Relevant NFA Case Summary Excerpts Regarding Andrew Left;

20 Exhibit 6: Ex-Parte Application of the United States for a Restraining Order Pursuant to
21 28 U.S.C. §2467(d)(3)(B)(i) and Statement of Points and Authorities in
22 Support Thereof, *In re Any and all funds and assets in Brown Brothers Harriman & Co. Account #8870792 in Name of Tiger Eye Investments Ltd.*,
23 No. 1:08-mc-00807-JBD (D.D.C. Dec. 23, 2008), ECF No. 1;

24 Exhibit 7: Blake Schmidt, *Bad Boy of Brazil Finance Is Now a Cattle-Ranching Billionaire*, Bloomberg, June 13, 2017;

25 Exhibit 8: Enoch Yiu, *Hong Kong court rejects US short-seller Andrew Left’s application against tribunal ruling*, South China Morning Post, Jan. 13, 2017;

26 Exhibit 9: Investment Adviser Firm Summary of FNY Investment Advisers, LLC, dated
27 October 23, 2018; and

28

1 Exhibit 10: Bloomberg profile of Vilas Capital Management LLC, dated October 23, 2018.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of October, 2018.

s/ Tricia L. McCormick
TRICIA L. McCORMICK

1 CERTIFICATE OF SERVICE

2 I hereby certify under penalty of perjury that on October 23, 2018, I authorized the electronic
3 filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send
4 notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I
5 hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the
6 non-CM/ECF participants indicated on the attached Manual Notice List.

7 s/ Tricia L. McCormick
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Mailing Information for a Case 3:18-cv-04865-EMC Isaacs v. Musk et al

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)